

103D CONGRESS
1ST SESSION

S. 383

To shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, JANUARY 5), 1993

Mr. PELL (for himself, Mr. KENNEDY, Mr. JEFFORDS, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Dependents
5 Education Act of 1993”.

1 **SEC. 2. FUNDING RESPONSIBILITY FOR MILITARY CON-**
2 **NECTED CHILDREN.**

3 Title I of the Act of September 30, 1950 (Public Law
4 874, Eighty-first Congress) is amended by adding at the
5 end the following new section:

6 “FUNDING RESPONSIBILITY FOR MILITARY CONNECTED
7 CHILDREN

8 “SEC. 8. (a) COMPUTATION OF AMOUNT.—

9 “(1) IN GENERAL.—For the purpose of comput-
10 ing the amount which a local educational agency is
11 entitled to receive under section 2, 3 or 4 for mili-
12 tary connected children in each fiscal year, the Sec-
13 retary shall determine, for each local educational
14 agency receiving assistance under this Act, the num-
15 ber of children referred to in—

16 “(A) section 3(a) who reside on a military
17 installation;

18 “(B) section 3(b)(1) who reside on a mili-
19 tary installation;

20 “(C) section 3(b)(2) who have a parent
21 employed on a military installation; and

22 “(D) section 3(b)(3).

23 “(2) TOTAL AMOUNT OF PAYMENTS.—The Sec-
24 retary shall determine the total amount of payments
25 all local educational agencies are entitled to receive

1 under section 2, 3 or 4 for military connected chil-
2 dren in each fiscal year.

3 “(b) TRANSFER OF FUNDS.—From any amounts
4 available to the Secretary of Defense, the Secretary of De-
5 fense shall transfer to the Secretary of Education in each
6 fiscal year the total amount of funds necessary for the
7 Secretary of Education to make all of the payments de-
8 scribed in subsection (a)(2) for such fiscal year.

9 “(c) SPECIAL RULES.—Notwithstanding any other
10 provision of law, funds made available by the Secretary
11 of Defense to the Secretary of Education for military con-
12 nected children pursuant to subsection (b) shall be—

13 “(1) the only funds used to make payments
14 under section 2, 3 or 4 to local educational agencies
15 for military connected children; and

16 “(2) distributed to such local educational agen-
17 cies in accordance with the provisions of this Act
18 which are not inconsistent with—

19 “(A) the provisions of this section; and

20 “(B) shifting only the funding responsibil-
21 ity for such military connected children from
22 the Department of Education to the Depart-
23 ment of Defense.

24 “(d) DEFINITIONS.—For the purpose of this sec-
25 tion—

1 “(1) the term ‘military connected children’
2 means the children described in subparagraphs (A)
3 through (D) of subsection (a)(1); and

4 “(2) the term ‘military installation’ has the
5 same meaning given to such term in section 2801(c)
6 of title 10, United States Code.”.

7 **SEC. 3. MILITARY CONNECTED CHILDREN WITH DISABIL-**
8 **ITIES.**

9 Subparagraph (C) of section 3(d)(2) of the Act of
10 September 30, 1950 (Public Law 874, Eighty-first Con-
11 gress) is amended—

12 (1) by redesignating clauses (ii), (iii) and (iv)
13 as clauses (iii), (iv) and (v), respectively;

14 (2) in clause (i), by striking “and children with
15 specific learning disabilities for whom a determina-
16 tion is made under subsection (a)(2) or (b)(3)”;

17 (3) by inserting after clause (i) the following
18 new clause:

19 “(ii)(I) The amount of an entitlement of any
20 local educational agency under this section for any
21 fiscal year with respect to military connected chil-
22 dren with disabilities and for whom such local edu-
23 cational agency is providing a program designed to
24 meet the special and related needs of such children
25 shall be—

1 “(aa) in the case of any local educational
2 agency with respect to which the number of
3 such children is determined under subsection
4 (a), an amount equal to 100 percent of the av-
5 erage per pupil expenditure in the State or such
6 expenditure in the United States, whichever is
7 greater, multiplied by the number of such chil-
8 dren determined under such subsection plus the
9 product obtained with respect to such agency
10 under division (bb); and

11 “(bb) in any other case, an amount equal
12 to 25 percent of the average per pupil expendi-
13 ture in the State or such expenditure in the
14 United States, whichever is greater, multiplied
15 by the number of such children determined with
16 respect to such agency for such fiscal year
17 under subsection (b).

18 “(II) For the purpose of this clause, the term
19 ‘military connected children with disabilities’ means
20 individuals who are—

21 “(aa) military connected children as such
22 term is defined in section 8(d)(1); and

23 “(bb) children with disabilities.”;

1 (4) in clause (iii) (as redesignated in paragraph
2 (1)), by striking “division (iii)” and inserting “divi-
3 sion (iv)”;

4 (5) by amending clause (v) (as redesignated in
5 paragraph (1)) to read as follows:

6 “(v) For the purpose of this subparagraph
7 the term ‘children with disabilities’ means—

8 “(I) children with disabilities as such
9 term is defined in section 602(1) of the In-
10 dividuals with Disabilities Education Act;
11 and

12 “(II) children with specific learning
13 disabilities as such term is defined in sec-
14 tion 602(15) of such Act.”.

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